



**A National Campaign to Ensure the Racial and Ethnic Fairness of  
Race & Ethnic Fairness in the Courts America's State Courts**

October 2011  
Volume 3, Issue 1

**In This Issue:**

· [Update on the  
Implicit Bias Project](#)

· [Implicit Bias in the  
Real World](#)

· [Implicit Bias  
Interventions  
Research Spotlight](#)

· [Recent Activities in  
the States](#)

**Update on the Implicit Bias Project**

In Phase II of the National Campaign to Ensure the Racial and Ethnic Fairness of America's State Courts, three states were selected through an application process to deliver an educational program on implicit bias to judges and court personnel.

- **California's** program focused on educating participants about the science of implicit bias and was offered through the court system's closed circuit cable television station. Materials developed for the program included a one-hour video documentary of scientists and judges discussing cutting-edge research in neuroscience and social cognition on implicit bias called *The Neuroscience and Psychology of Decision-Making* and a [web site](#) with access to the documentary, the IAT online, and links to other resources.
- **Minnesota's** program guided participants through a live discussion about implicit bias and its potential impact on fairness in the courts. This program incorporated the CA documentary and a [Power Point lecture](#) that reinforced key concepts about implicit bias. Participants completed and reacted to the IAT, engaged in plenary and small group discussions, and brainstormed methods for managing implicit bias in their personal and professional lives.
- **North Dakota's** program focused on implicit bias as an unintended side effect of normal cognitive processes, emphasizing the subtle influence of social stereotypes in everyday judgment and behavior. This 4-hour live educational program included a [Power Point lecture](#), [video clips](#), a [short film](#), and small group exercises.

Educational materials used at each of the three pilot sites can be found on our [Race & Ethnic Fairness in the Courts](#) web site. The complete report on Phase II of the Campaign will be released and posted to this site by the end of the year.

## **Implicit Bias in the Real World**

When is implicit bias problematic? This section provides one example of how this complex psychological phenomenon can affect our real world decisions.

### **Police Officers and the Decision to Shoot**

In 1999, New York City police officers fired 41 rounds and killed Guinean immigrant Amadou Diallo as he pulled out a wallet. Drawing from this tragedy, scientists examined this particular type of split-second, high-stakes decision more closely. One study found that participants more quickly decided to shoot armed targets in a simulation when the target was Black compared to White, and tended to commit more errors by electing not to shoot armed White targets. Participants were also quicker to decide not to shoot unarmed White targets who held innocuous objects (e.g., wallet or cell phone) than similar Black targets, and tended to commit more errors in deciding to shoot these unarmed Black targets (Correll, Park, Judd, & Wittenbrink, 2002). Many other studies have replicated this "shooter bias" with police officers and laypersons alike (e.g., Correll, Park, Judd, Wittenbrink, Sadler, & Keese, 2007; Payne, 2005, 2006; Plant & Peruche, 2005; Plant, Peruche, & Butz, 2005).

## **Implicit Bias Interventions**

### **Research Spotlight**

What can people do to combat implicit bias? This section highlights one strategy.

#### **Source**

Richeson, J., & Nussbaum, R. (2004). The impact of multiculturalism versus colorblindness on racial bias. *Journal of Experimental Social Psychology*, 40, 417-423.

#### **Research Findings**

Participants who read a one-page statement that endorsed a color-blindness ideology (in which people are told to ignore race and group differences) as an approach to reducing interethnic tension displayed significantly greater explicit and implicit bias afterward than those exposed to a message advocating a multiculturalism ideology (in which racial and ethnic differences are acknowledged and embraced). Researchers concluded that the multiculturalism approach is a more effective strategy for combating racial bias.

#### **Implications for the Court**

Although people who adhere to the popular "color blind" strategy to foster egalitarianism strive to ignore race, they may not succeed. A more promising strategy is to foster multiculturalism that promotes more social awareness and acceptance. Judicial education and training programs focused on reducing bias should incorporate the latter strategy.

### Recent Activities in the States

Some jurisdictions have developed and implemented their own independent judicial education programs, conferences, or symposia on implicit bias:

- **Texas:** The [Texas Center for the Judiciary](#) conducted their Implicit Bias Conference again this summer on June 6<sup>th</sup> and 7<sup>th</sup> (brochure [here](#)) to unanimously favorable participant reviews.
- **DC:** The [36<sup>th</sup> Annual Judicial Conference of the District of Columbia](#) on June 3rd focused on recognizing and dismantling implicit biases. The conference featured talks by renowned psychologist and implicit bias expert Dr. Mahzarin R. Banaji and by the Honorable Mark W. Bennett of the Northern District of Iowa, who implemented his own jury instructions to warn jurors about implicit bias.
- **New York:** In late March, the City of New York Administrative Judicial Institute ([AJI](#)) offered an educational program on implicit bias in judicial decision-making. This two-hour session was jointly conducted by Columbia professor and implicit bias expert Dr. Dana Carney and New York University law school professor Sarah Burns.

Want to share information in our next issue about recent and upcoming race & ethnic fairness initiatives in your state? [Tell us!](#)

Preparation of this newsletter is supported by the National Campaign to Ensure Racial and Ethnic Fairness in America's Courts, a project of the National Center for State Courts (NCSC) funded by the Open Society Institute (OSI) and the State Justice Institute (SJI). Opinions contained herein, as well as material appearing in external sites to which this publication provides links, do not necessarily reflect the official position or policies of OSI, SJI, or the NCSC.

This is an e-newsletter of the

